

REMARKS

The Non-Final Office Action mailed December 28, 2007 has been carefully considered. Applicant has amended the specification, including the drawings, and claims to more clearly define the invention. In particular, claims 1-7, 9, 10, 12 and 14 have been amended and new claims 28-34 added by this amendment. It should be noted that in further response to the Restriction Requirement previously imposed in this matter, Applicant believes new claims 28-34 correspond to the previously elected Group 1 of claims. Applicant responds specifically below to the issues raised in the subject Office Action and respectfully request reconsideration thereof.

As an initial matter, Applicant would like to gratefully thank the Examiner for the thorough review of the Application and the various suggestions for correction contained in the Office Action to clarify the disclosure. Accordingly, Applicant has attempted to clarify the disclosure by the amendments herein, including amendments to the Specification and Claims, in order to fully respond to the subject Office Action.

Objections To The Oath/Declaration

Applicant respectfully traverses the requirement in the subject Office Action for a new oath or declaration. It should be noted that the originally filed combined Declaration and Power of Attorney, filed on September 28, 2005, did unambiguously identify that patent application to which it pertained; particularly the PCT application of which the subject application is a U.S. National Stage patent application. Additionally, the previously filed Declaration did include language “similar” to that recited in 37 CFR §1.56. Although that portion of the Declaration specifically made reference to subsection §1.56(a), it is that particular subsection of the Regulation which identifies Applicant’s duty to disclose information material to patentability. The other subsections (b)-(e) merely define or clarify the meaning of the terms in subsection (a) and are therefore inherent in the declaration that was made. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the requirement to provide a new Declaration.

In this regard, the Examiner is also requested to consider the fact that Applicant has attempted to obtain a newly executed Supplemental Declaration, but has been unable to reach one of the inventors, Ian J. Saunders. Filed herewith is a copy of a newly executed Supplemental Declaration signed by all the other inventors. Therefore under the circumstances, requiring a further declaration be filed or the filing of a Petition to show one inventor is unavailable would cause an undue burden on the Applicant and is unwarranted. Accordingly, Applicant once again respectfully requests that the Examiner reconsider and withdraw the requirement to provide a new Declaration.

Objections To The Specification

The Title of the invention has been amended to address the Examiner's objection. The amended title is directly taken from the amended language of the pending claims. Accordingly, Applicant respectfully requests reconsideration and withdrawing of this objection.

With regard to the Office Action's indication that Applicant should provide "headings" throughout the specification, the Examiner's attention is directed to the Preliminary Amendment filed June 28, 2005. That Preliminary Amendment specifically added the standard headings (i.e., Background of the Invention, Summary of the Invention, etc.). Accordingly, Applicant respectfully requests reconsideration and withdrawing of this objection.

Applicant has amended the Specification to eliminate any reference to claim numbers, as objected to in the Office Action. In this regard, the recitations found in the respective originally filed claims have been added to those respective portions of the Specification. Additionally, the Specification has been amended to address the objections (b), (d), (h) and (k) indicated on page 3 of the subject Office Action. Applicant truly appreciates and has adopted the Examiner's suggestions in this regard. Also, the Drawings have been amended to address the objections (c), (e), (f), (g), (i), (j) and (l) indicated on page 3 of the subject Office Action. In particular, the Replacement Sheets of drawings are submitted with this Response, which have added the

missing reference numerals indicated by the Examiner. Accordingly, no new matter has been added by this amendment.

Rejections of the Claims under 35 USC § 112, second paragraph

Applicant has hereby amended the claims in order to address the Examiner's rejections and to clarify that which the Applicant regards as the invention. In particular, the term "optical element and/or optical forming elements" has been replaced throughout the claims with the term -- optical object(s)--. Support for the term "optical objects" can be found on page 2, lines 25-27 of the specification. Similarly, the term "working apparatus" has been replaced with the term -- working device--. Support for the term "working device" can be found on page 5, line 6. Also, support for the term "control device" can be found on page 15, line 23.

Additionally, with regard to the amendment to Claim 9, support for the replacement of the words "positive" and "negative" with the words "convex" and "concave" can be found in Figure 9. Also, support for new claims 28-30 can be found in originally filed claim 2. Support for new claims 31-33 can be found in originally filed claim 4. Support for new claim 34 can be found in originally filed claim 14. Otherwise, the amendments to the claims are supported by the application as originally filed and therefore no new matter has been introduced.

Application Serial No. 10/541,003
Docket No. 294-220 PCT/US
Response to December 28, 2007
Non-Final Office Action

Accordingly, it is believed that the application is now in condition for further examination and allowance thereafter. If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

/Tony A. Gayoso/

Tony A. Gayoso

Registration No.: 37,331

Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791-4407
(516) 822-3550

TAG:rd
295885_1